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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Jerzy Perkitny

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT

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3653

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/633,756	Applicant(s) PERKITNY ET AL.	
	Examiner JEFFREY A. SHAPIRO	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 11, 12, 15, 17, 20, 21, 25, 26, 30-32 and 34-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 11, 12, 15, 17, 20, 21, 25, 26, 30-32 and 34-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/3/07 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 depends from a cancelled claim.

4. Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what the edge of the coin protrudes through.

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 12, 15, 17, 20, 21, 25, 26, 30-32, 34-37, 39-40, 42 and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hume (US 1,927,265) in view of Brandt (US 1,900,039), further in view of Paczkowski (US 6,315,159 B1) and still further in view of Brennen (US 1,468,874).

Hume discloses, as described in **Claims 36 and 37** a coin housing (note generally that Hume's apparatus appears to have a housing as shown in figure 6), a coin separation member (7) having apertures (8), a coin sorting member (4) having apertures (23-27) on which said coin separation member rotates, and a metering tray (29). Hume further discloses that said metering tray has walls, as shown in figures 1 and 2, and opening (31) which allows a single coin to pass. See also col. 2, lines 10-18. Note that this passage also describes hopper (28) as shown in figure 2.

Note that Hume's separation member (7) is construed as ring-shaped, as illustrated in figure 3, since a ring is defined as having no central material. Hume's figure 3 illustrates no material, i.e., a hole in the center of element (7), and therefore is construed as ring-shaped.

Further regarding **Claims 42 and 44**, Hume discloses a tray (29) having a protrusion (33) that contacts the wheel housing (34) and (2). See Hume, figures 1, 2 and 5.

Further regarding **Claim 43**, Hume discloses a Hopper (28) that encircles said wheel housing. See Hume, figure 2, which illustrates that hopper (28) encompasses the sides of the housing, therefore enclosing the wheel as well. The hopper (28) is construed as encircling the wheel housing in the top plane of Hume's sorter.

Hume further discloses, as described in **Claims 20-21, 36 and 37**, a coin housing (note generally that Hume's apparatus appears to have a housing as shown in figure 6), a coin separation member (7) having apertures (8), a coin sorting member (4) having apertures (23-27) on which said coin separation member rotates, and a metering tray (29).

Regarding **Claim 17**, note tab (33). See also col. 2, lines 28-33.

Regarding **Claim 15**, see gear wheel (13) which has protuberances in the form of teeth and is part of said separating wheel.

Regarding **Claim 12**, see figures 1 and 2 noting that the wall near aperture (31) appears to be parabolic in shape.

Regarding **Claim 34**, note that Hume can be construed as having a stabilizing member that protrudes away from the floor in the form of bracket (33). See figure 2.

Regarding **Claims 36, 40 and 45**, Hume discloses a toroidal flange (13) connected to and extending away from the face of said separating wheel (7). See Hume, figures 1 and 2.

Further regarding **Claim 45**, note that the flange (13) is considered to be encircled by a ring-shaped portion of said wheel (7) from element (5) outwards away from said flange (13). See figures 1, 2 and 4 of Hume.

Regarding **Claims 36 and 37**, Hume does not expressly disclose, but Paczkowski discloses a tray/chute having a floor (60) with a ramp (74, 74') and blocking walls (76, 76').

At the time of the invention, it would have been obvious to one of ordinary skill to incorporate a blocking wall and ramp into Hume's tray/chute (29), as taught by Paczkowski, for the purpose of deflecting coins toward the opening. See Paczkowski, col. 4, lines 35-52.

Hume does not expressly disclose, but Brennen discloses a tray/chute (12) having an elongated slot (42).

At the time of the invention, it would have been obvious to one of ordinary skill to have modified Hume's opening (31) to be an elongated slot, as taught by Brennen, for the purpose of increasing the space for coins to pass through to the coin sorting apertures on the coin sorting wheel below.

Regarding **Claims 36 and 37**, Hume does not expressly disclose, but Brandt discloses a tray/chute (16 and 29) that is integral with the hopper A, illustrated in figure 5.

At the time of the invention, it would have been obvious to one of ordinary skill to design Hume's tray/chute (29) to be integral with the hopper (28), as taught by Brandt, for the purpose of insuring that coins do not bounce out of the tray. One ordinarily skilled in the art would have found this to be a logical step given Brandt's teaching/suggestion for making the tray integral with the hopper.

Regarding **Claim 11**, although Hume does not expressly disclose whether or not said opening (31) is smaller than the combined diameter of the smallest two coins meant to be sorted, this depends upon the money system being used as well as the group of coins sorted within a particular money system. Further, it can be argued that for a particular largest diameter size, there will be a particular combination of coins that will meet this criterion. Therefore, it is construed to have been obvious at the time of the invention for one ordinarily skilled to have sized opening (31) to meet this criterion.

Regarding **Claim 35**, note that it would be obvious to make Hume's apparatus out of thermoplastic material as well as a host of other materials such as iron or aluminum, based upon the requirements of the situation, so as to, for example, reduce the costs of production.

Regarding **Claim 39**, note that it is considered to have been obvious to one ordinarily skilled in the art, for the central opening to be larger in radius than the diameter of at least one coin receiving aperture since this criteria is based upon the diameter of the coins sorted by the machine, which can be of any size as required by the particular currency being sorted.

7. Claim 38, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hume (US 1,927,265) in view of Brandt (US 1,900,039), further in view of Paczkowski (US 6,315,159 B1), further in view of Brennen (US 1,468,874) and still further in view of Bergman (US 4,275,751).

Hume discloses the coin sorting apparatus in connection with the rejection of Claim 37 described above.

Regarding **Claim 38**, Hume does not expressly disclose, but Bergman discloses a coin separating wheel with a coin slot (30) aligned with a coin receiving aperture (31). Regarding whether or not the slot is located on an inner periphery or an outer periphery, it would have been obvious to one of ordinary skill in the art to have placed such coin slot on the inner periphery since there are only two possibilities, i.e, the inner and outer peripheries and one ordinarily skilled would have found it obvious to place the slot in either of the two locations depending upon the placement of the location of switch arm (62).

8. Claims 41 and 6-8, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Hume (US 1,927,265) in view of Brandt (US 1,900,039), further in view of Paczkowski (US 6,315,159 B1), further in view of Brennen (US 1,468,874) and still further in view of Bergman (US 4,275,751).

Hume discloses the coin sorting apparatus in connection with the rejection of Claims 36 and 37 described above.

Regarding **Claim 41**, Hume does not expressly disclose, but Bergman discloses a drawer (40) with various coin tubes (50) for each denomination sorted.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated a drawer with coin tubes for each denomination sorted in Hume's sorting apparatus, as taught by Bergman, for the purpose of efficiently collecting sorted coins and providing an efficient method of access to said sorted coins.

Regarding **Claim 6**, Hume further discloses that said tray (29) can be construed to have a ramp angled downwardly that directs coins to the "adjacent" floor, said floor being the surface of selector plate (4).

Regarding **Claim 7**, Hume further discloses that tray (29) has walls that surround the outer edges of the ramp and the aperture (31). These walls can be construed as "blocking walls".

Regarding **Claim 8**, note Hume's tab (33). See also col. 2, lines 28-33.

Response to Arguments

9. Applicant's arguments with respect to Claims, 6-8, 11, 12, 15, 17, 20, 21, 25, 26, 30-32 and 34-45 have been considered but are moot in view of the new ground(s) of rejection.

Ransil discloses an engaging channels (85 and 85') into which lips (154) engage, for the purpose of fastening the lips to the wall superstructure (158). See figures 6 and 7 of Ransil.

At the time of the invention, it would have been obvious to one of ordinary skill to incorporate an engaging channel at the lip of Hume's tray/chute (29), as taught by Ransil, for the purpose of connecting Hume's tray/chute to connecting elements (32, 33). One ordinarily skilled in the art would have found this to be a logical alternative means of fastening Hume's tray/chute to elements (32, 33) since a channel structure would logically provide further support to Hume's tray due to the added double-wall structure of a channel.

Brennen discloses a tray/chute (12) having an elongated slot (42).

At the time of the invention, it would have been obvious to one of ordinary skill to have modified Hume's opening (31) to be an elongated slot, as taught by Brennen, for the purpose of increasing the space for coins to pass through to the coin sorting apertures on the coin sorting wheel below.

Bergman discloses an slot through which the coin edge protrudes as well as a drawer with tubes.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY A. SHAPIRO whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Shapiro/
Primary Examiner, Art Unit 3653

February 19, 2008